

THIRTY-SIXTH DAY

(Monday, March 11, 1963)

The Senate met at 11:00 a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Rogers
Hall	Schwartz
Hardeman	Spears
Harrington	Strong
Herring	Watson
Kazen	Word
Kennard	

Absent—Excused

Hazlewood	Richter
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A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 7, 1963, was dispensed with and the Journal was approved.

Leaves of Absence

Senator Richter was granted leave of absence for today to attend a funeral on motion of Senator Herring.

Senator Hazlewood was granted leave of absence for today on account of important business on motion of Senator Ratliff.

Message from the House

Hall of the House of Representatives
Austin, Texas,
March 11, 1963.

Hon. Preston Smith, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of

a Conference Committee on Senate Bill No. 6. House has appointed the following Conference Committee: Murray, Chairman, Cory, Klager, Pipkin and Price.

Motion to reconsider vote by which House concurred in Senate amendments to H. B. No. 320, prevailed.

The House has concurred in Senate amendments to House Bill No. 320 by a vote of 141 ayes, 0 noes.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

Senate Resolution 226

Senator Krueger offered the following resolution:

Whereas, An ever-increasing number of students are entering our schools at all levels because of the natural increase in population and migration to the State; and

WHEREAS, This ever-increasing number will call for new construction of classrooms and the hiring of new teachers; and

Whereas, We are being constantly besieged by books, pamphlets, and statements on the subject of "Why Johnny can't Read or Write;" and

Whereas, There is a definite need for certain terminal courses at the high school and junior college level; and

Whereas, All of this looks toward excellence in education; and

Whereas, In order to head off a tidal wave of new taxation to be used in the field of education without necessity; now, therefore, be it

Resolved by the Senate of The State of Texas that the Texas Education Agency be instructed to make a study of the teacher-pupil, professor-pupil, and administrator-teacher ratios in the schools of our State and a study of terminal courses at the high school and junior college level in order that the maximum benefit from the tax dollar can be realized and so our good teachers can be exposed to the maximum number of students and not weighted down with unnecessary administrative details.

The resolution was read.

(President in the chair.)

Senator Krueger asked unanimous

consent to consider the resolution immediately.

There was objection.

Senator Krueger then moved to consider the resolution immediately.

The motion was lost by the following vote:

Yeas—12

Colson	Krueger
Creighton	Moore
Dies	Reagan
Harrington	Spears
Herring	Strong
Kennard	Watson

Nays—16

Aikin	Moffett
Bates	Owen
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Crump	Rogers
Hardeman	Schwartz
Kazen	Word

Absent

Hall

Absent—Excused

Hazlewood Richter

The resolution was then referred to the Committee on Education.

Presentation of Guests

Senator Hardeman by unanimous consent presented the Honorable Joe Fisher, Federal District Judge of the Eastern District of Texas, and Mr. Red Alexander, Federal Marshal for the Eastern District of Texas.

Senate Resolution 231

Senator Hardeman offered the following resolution:

Whereas, Success in any line of endeavor is admired and respected; and

Whereas, The San Angelo "Bobcats" basketball team is the State AAAA Basketball Champion, having climaxed its season with a spectacular victory over Houston Spring Branch, thereby bringing recognition and credit to the City of San Angelo; and

Whereas, Good sportsmanship characterized the team's conduct throughout its competitive actions; and

Whereas, it is the desire of the Senate of Texas to recognize the new Class AAAA State Basketball Champion of the San Angelo High School and to commend them for their success and efficiency in winning such championship; now, therefore, be it

Resolved by the Senate that it does hereby extend congratulations to the San Angelo Bobcats and to the citizens of San Angelo who so loyally supported said team, and that a copy of this resolution be sent to the San Angelo High School under the Seal of the Senate.

The resolution was read and was adopted.

Senate Bill 17 with House Amendments

Senator Patman called S. B. No. 17 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Patman moved that the Senate concur in the House amendments.

The motion prevailed.

Presentation of Guest

Senator Blanchard by unanimous consent presented Mr. Marion McLarty, city commissioner of Lubbock, to the Members of the Senate.

Senate Resolution 237

Senator Dies offered the following resolution:

Whereas, the Calvary Baptist Church of Lufkin, Texas, designated Sunday, March 10, 1963, as Howard Small Day; and

Whereas, For twelve years the Reverend Howard Small has been the minister of the Calvary Baptist Church of Lufkin, Texas; and

Whereas, During his twelve years the Calvary Baptist Church has made significant progress in growth and in service to the community it serves; and

Whereas, Reverend Small has given devoted service to his church, his community and his nation; and

Whereas, Reverend Small is loved and admired by all of Angelina County, as well as his congregation; and

Whereas, Reverend Small has a devoted wife, Mrs. Rena Small, who assists him in all his duties; and

Whereas, We, the Senate of the State of Texas, wish to add our congratulations to the Calvary Baptist Church of Lufkin, Texas, and the Reverend and Mrs. Howard Small for their significant service and progress; Now, therefore, be it

Resolved, That the Cavalry Baptist Church of Lufkin, Texas, its congregation, and the Reverend and Mrs. Howard Small be extended the congratulations and best wishes for the unselfish service which they render to the East Texas area.

The resolution was read and was adopted.

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 27—Extending Welcome to the American Legion for National Convention of 1964 being held in City of Dallas.

Motion to Place Senate Bill 2 on Second Reading

Senator Hardeman moved to suspend the regular order of business and take up S. B. No. 2 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the members present):

Yeas—18

Aikin	Owen
Bates	Parkhouse
Calhoun	Patman
Cole	Ratliff
Crump	Reagan
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Kazen	Watson

Nays—11

Blanchard	Krueger
Colson	Moffett
Creighton	Moore
Dies	Strong
Herring	Word
Kennard	

Absent—Excused

Hazlewood	Richter
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Presentation of Guest

Senator Kazen by unanimous consent presented his brother, the Honorable James A. Kazen of Laredo to the Members of the Senate.

Senate Concurrent Resolution 24 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

S. C. R. No. 24, Authorizing acceptance by the University of Texas of certain lands in the Camp Swift Military Reservation in Bastrop County, Texas.

The resolution was read and was adopted.

Committee Substitute Senate Bill 46 on Second Reading

Senator Parkhouse moved to suspend the regular order of business and take up C. S. S. B. No. 46 for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hardeman	Schwartz
Harrington	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Nays—2

Hall	Owen
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Absent—Excused

Hazlewood

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 46, A bill to be entitled "An Act to carry into effect the provisions of the amendment adding Section 49d to Article III of the Texas

Constitution adopted at the General Election held on November 6, 1962; authorizing the acquisition and development of storage facilities by the Texas Water Development Board under certain conditions; defining certain terms; authorizing the Texas Water Development Board under certain conditions to execute long-term contracts with the United States or any of its agencies for the acquisition and development of storage facilities in reservoirs constructed or to be constructed by the Federal Government; limiting expenditures by the Texas Water Development Board for acquiring storage facilities as to principal obligations of \$50,000,000 and not to exceed \$15,000,000 for storage facilities in any single project; prescribing conditions for approval of Texas Water Commission for Texas Water Development Board to acquire and develop storage facilities or to contract with the United States therefor; prescribing prerequisites before acquisition by Texas Water Development Board of storage facilities, etc.; and declaring an emergency.

The bill was read the second time.

Question—Shall C. S. S. B. No. 46 be passed to engrossment?

Senate Bill 419 on First Reading

Senator Ratliff moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Absent—Excused

Hazlewood

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Ratliff:

S. B. No. 419, A bill to be entitled "An Act amending Chapter 3 of the Insurance Code of the State of Texas to add thereto a new Article 3.71, authorizing two or more insurance companies to join together in organizations, to offer, sell and administer hospital and surgical and medical expenses insurance plans under a group policy covering residents of Texas 65 years of age and older and their spouses; authorizing such companies to agree and act in concert with respect to premium rates, policy provisions, sales and other matters within the scope of the article; providing certain limitations upon companies regulated by the provisions of Chapter 14 of the Insurance Code; providing for regulation of the forms of applications, certificates, policies and other evidence of such insurance and the filing with and approval by the State Board of Insurance of contracts entered into by such companies and schedules of premium rates, authorizing the State Board of Insurance to disapprove premium rates and other activities under certain conditions; providing as to how such organizations may sue and be sued, and may be served with process; exempting premiums on account of such insurance from the payment of premium taxes; excluding such organizations from provisions of the anti-trust laws; providing a severability clause and declaring an emergency."

To the Committee on Insurance.

Report of Standing Committee

Senator Colson by unanimous consent submitted the following reports:

Austin, Texas,
March 11, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Public Health, to which was referred H. B. No. 333, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Austin, Texas,
March 11, 1963

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Public Health, to which was referred H. B. No. 334, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills.

H. B. No. 310, A bill to be entitled "An Act amending Chapter 416, Acts of the 50th Legislature, 1947, by adding a new section to be numbered Section 1A, providing for the taking of certain fish from the waters of Val Verde County; and declaring an emergency."

H. B. No. 335, A bill to be entitled "An Act amending Section 4 of Chapter 209, Acts of the 48th Legislature, Regular Session, 1943 (compiled as Article 978 1-2 of Vernon's Texas Penal Code), which relates to the taking of game birds, game animals, and fur-bearing animals west of the Pecos River; vesting the Game and Fish Commission with full power and discretion to regulate the taking of wild deer in that area; and declaring an emergency."

Welcome Resolutions

S. R. No. 227—By Senator Dies: Extending welcome to the Honorable Pat Pace, mayor of Kountze.

S. R. No. 228—By Senator Ratliff: Extending welcome to 200 members of Chisholm Trail Council, Boy Scouts of America from Stonewall, Haskell, Fisher, Jones, Shackelford, Nolan, Taylor, Callahan, Coleman and Runnels Counties.

S. R. No. 229—By Senator Word: Extending welcome to Mr. Bill Ratliff of Copperas Cove.

S. R. No. 232—By Senator Owen: Extending welcome to Mr. Cyrus H. Lambert of El Paso.

S. R. No. 233—By Senator Harrington: Extending welcome to M. K. Tomer, mayor, and Charlie Holcomb, city attorney of Orange.

S. R. No. 234—By Senator Hall: Extending welcome to Hall Rollins, city attorney, and Bill Summers, city manager of Dennison.

S. R. No. 235—By Senator Colson: Extending welcome to members of senior class, sponsor and superintendent of Richards High School of Grimes County.

S. R. No. 238—By Senator Spears: Extending welcome to students and teacher of American government class of Our Lady of the Lake.

S. R. No. 239—By Senator Rogers: Extending welcome to H. D. Frost and J. Frank Inman of Childress.

Adjournment

On motion of Senator Moffett the Senate at 12:17 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

In Memory of Robert Lanier Clark

Senator Parkhouse offered the following resolution:

(Senate Resolution 230)

Whereas, The City of Dallas and the State of Texas were saddened by the loss of a distinguished citizen and public leader in the death of Robert Lanier Clark on Saturday, March 9; and

Whereas, Mr. Clark was a native of Dallas, a nationally-known attorney and scion of a family of judges, governors and legislators; and

Whereas, In his untimely death at the age of 59, the state and nation lost a man endowed with the leadership so essential to the security and welfare of this country; and

Whereas, He attended The University of Texas and received his law degree from the old Jefferson University School of Law in Dallas; and

Whereas, He began practicing law with his father, the late William Henry Clark, and his brother, William Henry Clark Jr., becoming one of the outstanding corporation attorneys in the nation; and

Whereas, Upon the death of his father he continued the practice of law with his brother, and became head of the firm now known as Clerk, Reed & Clark following a family tradition in law established in 1737 with the arrival in America from Ireland of William Henry Clark, who became a judge; and

Whereas, His brother, Tom C. Clark, is now Associate Justice of the United States Supreme Court; and

Whereas, Mr. Clark was long identified with Democratic party activities in Dallas and served on the national finance committee in 1948, 1952, and 1956; and

Whereas, His civic activities included: Director of the State Fair of Texas since 1944; president of the Highland Park Chamber of Commerce; member of the Dallas Civic Opera, the Greater Dallas Planning Committee, and the Greater Dallas Citizens Committee; and

Whereas, He was a member of the Dallas, Texas and American Bar Associations; member of the Dallas Athletic Club, the City Club, the Downtown Club, and the Idlewild Club; and

Whereas, He was a devoted father and husband, and is survived by his wife; a son, Robert L. Clark Jr. of New York; a daughter, Mrs. Kay Clark Lane of Austin; a brother, Sam W. Clark Sr. of Monterrey, Mexico; a brother, Associate Justice Clark; and three sisters, Mrs. Virginia Jacoby and Mrs. Elizabeth Capers of Dallas and Mrs. Mary Burchfield of Beaumont; and

Whereas, As described by Vice-President Lyndon B. Johnson, this "man of men and gentleman in every sense of the word . . ." will be sorely missed by his relatives and many friends; now, therefore, be it

Resolved, That the Senate of the Fifty-eighth Legislature of the State of Texas pays tribute to this great and beloved citizen; and be it further

Resolved, That we express sympathy to members of the Clark family in recognition of their great loss; and be it further

Resolved, That a page in the Senate Journal be set aside in respect to Mr. Robert Lanier Clark; that copies of this Resolution be sent to members of his immediate family; and that when the Senate adjourns today, that it do so in his honor.

**PARKHOUSE
HARDEMAN**

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Creighton, Cole, Colson, Crump, Dies, Hall, Harrington, Hazlewood, Herring, Kasen, Kennard, Krueger, Moffett, Moore, Owen, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Herring and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof. The resolution was then adopted by a rising vote of the Senate.

In Memory of James L. Lattimore

Senator Reagan offered the following resolution:

(Senate Resolution 236)

Whereas, Death has reached into our very midst and taken from us a friend and fellow member of the Legislature, James L. Lattimore of Corpus Christi, Texas; and

Whereas, Eight weeks ago, after many years of eminent practice in Texas courtrooms, Mr. Lattimore came to the House of Representatives for the first time to lend his enormous talents and his good will to promote legislatively the welfare of his beloved State. His new career showed the same great promise that had been evident in his personal history before the bar; and

Whereas, Today Desk 39 of the House of Representatives is cleared of papers and on it white flowers must bear witness to the sterling qualities of this man who will be deeply missed by his colleagues, a man whose life was snatched by a tragic, ironic automobile accident Thursday night when he was en route home from the last meeting of the House of Representatives; and

Whereas, Mr. Lattimore's christianity and compassion expressed themselves in many ways and were a matter of daily practice. In Corpus Christi, he was one of the men who founded a Citizen's Committee to improve housing conditions among the poor. Action of townspeople immediately involved, he felt, was of greater benefit than urban renewal programs financed by government; and

Whereas, Members of Senate and House of Representatives attended funeral services for Mr. Lattimore in All Saints Episcopal Church Saturday, and heard clergymen praise his most worthy life, in which devotion to his Church had played an important part; and

Whereas, A native of Amarillo, Mr. Lattimore was born on December 11, 1909. He attended Texas Technological College, received his bachelor's degree from Baylor University and was graduated from Cumberland Law School in Tennessee before he came to Corpus Christi to begin his career; and

Whereas, He was a member of many civic clubs and served his community as a leader in many worthwhile civic causes; and

Whereas, He will be deeply missed by Members of this Legislature, as well as by his community; now, therefore, be it

Resolved, That the Senate of the Fifty-eighth Legislature of the State of Texas expresses profound sorrow at the passing of a friend and legislator, James L. Lattimore, and extends its deepest sympathy to his beloved wife, Teckla Flick Lattimore, and to his son, James Loy; and, be it further

Resolved, That copies of this Resolution be sent to Mrs. Lattimore as a token of our esteem for this exceptional man, and that a page in the Senate Journal be set aside to honor him; and, be it further

Resolved, That when the Senate adjourns this day it do so in memory of, and respect for James L. Lattimore.

REAGAN

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Herring, Kazen, Kennard, Krueger, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Richter, Rogers, Schwartz, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Kazen and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof. The President requested the Members of the Senate to stand for a moment of silent prayer for the deceased colleague.

The resolution was then adopted by a rising vote of the Senate.